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VIA HAND DELIVERY

November 9, 1999

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Federal Communications Commission
445 Twelfth Street, SW Suite TWA-325
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

- RE:**
- o *Clarification of the Commission's Rules on Interconnection Between LECs and Paging Carriers*, CCB/CPD No. 97-24 ("SWBT clarification request")
 - o *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, First Report & Order*, CC Docket Nos. 96-98, 95-185 ("Local Competition First Report & Order")
 - o *Formal Complaint of TSR Paging Inc. against US West Communications Inc.*, File No. E-98-10 (filed December 24, 1997)
 - o *Formal Complaint of Metrocall against Various LECs*, File Nos. E-98-14-18 (filed January 20, 1998)
 - o *Formal Complaint of USA Mobile Communications, Inc. II against CenturyTel of Ohio, Inc.*, File No. E-98-38 (filed May 1, 1998)
 - o *Formal Complaint of Arch Communications Group, Inc. against US WEST Communications, Inc.*, File No. E-99-05 (filed December 3, 1998)
 - o *Formal Complaint of Arch Communications Group, Inc. against BellSouth Telecommunications, Inc.*, File No. E-99-06 (filed December 7, 1998)
 - o *Formal Complaint of MAP Mobile Communications, Inc. against US West Communications, Inc.* File No. E-99-11 (filed March 4, 1999)



Personal
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Notice of Ex Parte Presentation

Dear Ms. Salas:

This is to notify you that Angela E. Giancarlo of the Personal Communications Industry Association ("PCIA") and Carl W. Northrop of Paul Hastings Janofsky & Walker, LLP met with Peter Tenhula, legal advisor to Commissioner Powell on November 8, 1999. Our discussion focused on procedural and substantive issues related to LEC-paging interconnection and therefore should be noted for the above-referenced dockets.

I have attached a presentation that I provided to Mr. Tenhula at our meeting. The presentation reflects a summary of the issues that were discussed. Pursuant to §1.1206(b) of the Commission's rules, two copies of this letter for each of the above-referenced dockets (a total of sixteen copies) are hereby filed with the Secretary's office.

Kindly refer questions in connection with this matter to me at 703-535-7487.

Respectfully submitted,

Angela E. Giancarlo, Esq.
Government Relations Director, Federal Regulatory Affairs

Attachment

**Presentation of the Personal Communications Industry Association
Regarding LEC-Paging Interconnection
November, 1999**



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Legal Issue: The paging industry is asking the Commission to affirm its decisions which hold that: (a) LECs are obligated to bear all costs associated with the portion of interconnection facilities used to deliver the LEC's own traffic to paging companies for local termination; and, (b) paging companies are entitled to be paid compensation for the LEC traffic that is terminated to local destinations over the paging network. The prior FCC rulings are consistent with: (i) a long line of cases that recognize paging companies as co-carriers; (ii) the Communications Act, as amended in 1996; and (iii) the Commission's rules implementing the 1996 Act. Perhaps most importantly, these issues were affirmed by the Eighth Circuit, and were not appealed to the Supreme Court.

Business Issues: LECs continue to assess against paging companies facility charges which have been ruled by the Commission to be improper, and some LECs have stopped provisioning new or modified facilities unless paging carriers pay the prohibited charges. Paging carriers are faced with a "Hobson's choice" of paying improper charges or being denied essential facilities.

Consumer Issues: Paging carriers are competing against two-way CMRS providers which provide paging service over their two-way networks and are paid terminating compensation at a rate which is symmetrical to the LEC's own terminating compensation rate. LECs concede that their systems cannot determine a difference between a paging call and a cellular or PCS call. When paging companies are denied comparable terminating compensation, an unlevel playing field results and consumers will be denied the benefits of a fully and freely competitive market.

Policy Issues: Several state commissions have shown deference to the FCC's rulings concerning the entitlement of paging companies to relief from certain facilities charges and to receive terminating compensation. Reversing course now would "pull the rug out from under" those states which have in a spirit of comity given weight to the FCC's decisions.

Recommendation: The Commission should send a consistent unambiguous message to LECs that the basic entitlement of paging companies to terminating compensation and relief from facility charges is not "in play," and that LECs are expected to conform their policies and practices to the Commission's rulings.